

#18

MAR 16 2001

CONTINUED PROSECUTION APPLICATION (CPA)  
REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX if applicable:

☐ DUPLICATE

Address to:

Assistant Commissioner for Patents  
Box CPA  
Washington, DC 20231Attorney Docket No.  
of Prior Application

0942.4770003/RWE/GER

First Named Inventor

Frederic R. BLOOM

Examiner Name

I. Yucel

Group/Art Unit

1636

Express Mail Label No.

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR § 1.53(d), (continued prosecution application (CPA)) of the prior application number 09/227,742, filed on January 8, 1999 entitled: **Method for Increasing Viability and Transformation Efficiency of Bacteria During Storage at Low Temperatures**

## NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR § 1.51(b) or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice Changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR § 1.53(d), but must be filed under 37 CFR § 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the application under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR § 1.78(a).

**Warning: Information on this form may become public. Credit Card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

1. ☒ Enter the unentered amendment previously filed on December 5, 2000 under 37 CFR § 1.116 in the prior nonprovisional application.
2. ☐ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR § 1.53(d)(4).
  - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:  
.....
  - b. ☐ The inventor(s) to be deleted are set forth in a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
  - a. ☐ PTO-1449
  - b. ☐ Copies of IDS citations

RECEIVED

MAR 20 2001

TECH CENTER 1600.2900

[Page 1 of 2]

Burden Hour Statement: this form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

03/19/2001 HUONG1 00000055 09227742

01 FC:131  
02 FC:103  
03 FC:102710.00 OP  
126.00 OP  
86.00 OP

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR § 1.16(e) or (j))	27-20* =	7	7 x \$ 18.00 =	\$126.00
	INDEPENDENT CLAIMS (37 CFR § 1.16(b) or (i))	4-3** =	1	1 x \$ 80.00 =	\$80.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR § 1.16(d))			0 x \$ 270.00 =	\$0.00
				BASIC FEE (37 CFR § 1.16)	\$ 710.00
				Total of above Calculations	\$916.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.27).				N/A
	* Reissue claims in excess of 20 and over original patent ** Reissue independent claims over original patent			TOTAL =	\$916.00

- 6 ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
- 7 The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 19-0036
- a ☐ Fees required under 37 CFR § 1.16. b ☐ Fees required under 37 CFR § 1.17.
- c ☐ Fees required under 37 CFR § 1.18.
- 8 ☒ A check in the amount of \$1,306.00 is enclosed. Check No \_\_\_\_\_
- 9 ☐ Payment by credit card Form PFO-2038 is enclosed
- 10 ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of \_\_\_\_\_ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed
- 11 ☐ New Attorney Docket Number, if desired \_\_\_\_\_  
[Prior application Attorney Docket Number will carry over to this CPA unless a new Attorney Docket Number has been provided herein.]
- 12 a ☐ Receipt For Facsimile Transmitted CPA (PTO/SB 29A)
- b ☒ One (1) Return Receipt Postcard (Should be specifically itemized. See MPEP 503)
- 13 ☒ Other A Petition for the Extension of Time for the Parent Application
- ☐ Other The Name of the Assignee is: \_\_\_\_\_
- ☐ Other: \_\_\_\_\_

**NOTE:** The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.**14 NEW CORRESPONDENCE ADDRESS**☒ Customer Number or Bar Code Label

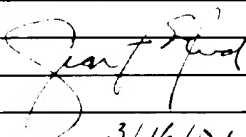
(Insert Customer No. or Attach bar code label here)

or ☐ New correspondence address below

Customer No. 26111

Name	Sterne, Kessler, Goldstein & Fox P.L.L.C.				
Address	1100 New York Avenue, N.W.				
	Suite 600				
City	Washington	State	DC	Zip Code	20005-3934
Country	United States	Telephone	(202) 371-2600	Fax	(202) 371-2540

**15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Grant E. Reed
Signature	
Registration No. (Attorney/Agent)	41,264
Date	3/16/01

# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

## Complete if Known

Application Number	09/227,742
Filing Date	January 8, 1999
First Named Inventor	Fredric R. BLOOM
Examiner Name	Yucel, I.
Group Art Unit	1636
Attorney Docket No.	0942.4770003/RWE/GER

TOTAL AMOUNT OF PAYMENT (\$ 1,306.00)

## METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:

Deposit Account Number 19-0036  
Deposit Account Name Sterne, Kessler, Goldstein & Fox P.L.L.C.

- ☐ Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17

- ☐ Applicant claims small entity status See 37 CFR 1.27

2. ☒ Payment Enclosed:

- ☒ Check ☐ Credit card ☐ Money Order ☒ Other\*

\*Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	710.00
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	
SUBTOTAL (1) (\$)					710.00

### 2. EXTRA CLAIM FEES

	Extra	Fee from below	Fee Paid
Total Claims 27 - 20** = 7	7	X 18.00	= 126.00
Indep. Claims 4 - 3** = 1	1	X 80.00	= 80.00
Multiple Dependent	0	=	0.00

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim
108	80	208	40	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 206.00)

\*\* or number previously paid, if greater. For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	390.00
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	130	123	130	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	481	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify)					
Other fee (specify)					
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3) (\$ 390.00)					

## SUBMITTED BY

Name (Print/Type)	Grant E. Reed	Registration No (Attorney/Agent)	41,264	Telephone	202-371-2600
Signature		Date	3/16/01		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement. This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231



In re application of:

F. R. BLOOM *et al.*

Appl. No. 09/227,742

Filed: January 8, 1999

For: **Method for Increasing Viability and Transformation Efficiency of Bacteria During Storage at Low Temperatures**

Art Unit: 1636

Examiner: Yucel, I.

Atty. Docket: 0942.4770003/RWE/GER

**Authorization To Treat A Reply As Incorporating An Extension Of Time Under 37 C.F.R. § 1.136(a)(3)**

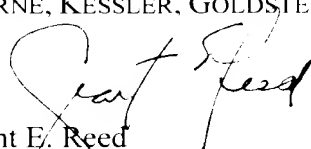
Commissioner for Patents  
Washington, D.C. 20231

Sir:

The U.S. Patent and Trademark Office is hereby authorized to treat any concurrent or future reply that requires a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. The U.S. Patent and Trademark Office is hereby authorized to charge all required extension of time fees to our Deposit Account No. 19-0036, if such fees are not otherwise provided for in such reply. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

  
Grant E. Reed  
Attorney for Applicants  
Registration No. 41,264

Date: 3/16/01

1100 New York Avenue, N.W.  
Suite 600  
Washington, D.C. 20005-3934  
(202) 371-2600



077/1636  
/B

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

ATTORNEYS AT LAW

1100 NEW YORK AVENUE, N.W. • WASHINGTON, D.C. 20005-3934

PHONE (202) 371-2600 • FACSIMILE (202) 371-2540 • www.skgf.com

ROBERT GREENE STERNE  
EDWARD J. KESSLER  
JORGE A. GOLDSTEIN  
SAMUEL L. FOX\*\*\*  
DAVID K.S. CORNWELL  
ROBERT W. ESMOND  
TRACY-GENE G. DURKIN  
MICHELE A. CIMBALA  
MICHAEL B. RAY  
ROBERT E. SOKCHL  
ERIC K. STEFFE  
MICHAEL O. LEE  
STEVEN R. LUDWIG

JOHN M. COVERT\*  
LINDA E. ALCORN  
ROBERT C. MILLONIG  
MICHAEL V. MESSINGER  
JUDITH U. KIM  
TIMOTHY J. SHEA, JR.  
DONALD R. MCPHAIL  
PATRICK E. GARRETT  
STEPHEN G. WHITESIDE  
JEFFREY T. HELVEY\*  
HEIDI L. KRAUS  
JEFFREY R. KURIN  
RAYMOND MILLIEN

PATRICK D. O'BRIEN  
LAWRENCE B. BUGAISKY  
CRYSTAL D. SAYLES  
EDWARD W. YEE  
ALBERT L. FERRO\*  
DONALD R. BANOWIT  
PETER A. JACKMAN  
MOLLY A. MCCALL  
TERESA U. MEDLER  
JEFFREY S. WEAVER  
KRISTIN K. VIDOVICH  
PENDRICK P. PATTERSON  
DONALD J. FEATHERSTONE

GRANT E. REED  
VINCENT L. CAPUANO  
JOHN A. HARROUN\*  
ALBERT J. FAJULO II\*  
W. BRIAN EDGE\*  
ELDORA ELLISON FLOYD\*  
W. RUSSELL SWINDELL  
THOMAS C. FIALA  
LONNY L. MULLER\*  
BRIAN J. DEL BUONO\*  
VIRGIL L. BEASTON\*  
RYAN J. STAMPER\*

KAREN R. MARKOWICZ\*\*  
SUZANNE E. ZISKA\*\*  
ANDREA J. KAMAGE\*\*  
NANCY J. LEITH\*\*  
ELIZABETH J. HAANES\*\*  
MARK P. TERRY\*\*

\*BAR OTHER THAN D.C.  
\*\*REGISTERED PATENT AGENT  
\*\*\*SENIOR COUNSEL

March 16, 2001

RECEIVED

WRITER'S DIRECT NUMBER:  
(202) 789-5507

Commissioner for Patents  
Washington, D.C. 20231

MAR 20 2001

TECH CENTER 1600 2900

Box: CPA

Re: U.S. Utility Patent Application  
Request for Continued Prosecution Application (CPA)  
Appl. No. 09/227,742; Filed: January 8, 1999  
For: **Method for Increasing Viability and Transformation Efficiency of  
Bacteria During Storage at Low Temperatures**  
Inventors: F. R. Bloom *et al.*  
Our Ref: 0942.4770003/RWE/GER

Sir:

Transmitted herewith for appropriate action are the following documents:

1. CPA Transmittal Form (PTO/SB/29) (*in duplicate*);
2. Fee Transmittal Form (PTO/SB/17) (*in duplicate*);
3. Petition for Extension of Time Under 37 C.F.R. § 1.136(a)(1) (*in duplicate*);
4. Authorization to Treat a Reply As Incorporating An Extension of Time Under 37 C.F.R. § 1.136(a)(3) (*in duplicate*);
5. Our Check No. 30686 in the amount of \$1,306.00 to cover:  
\$710.00 Basic filing fee (37 C.F.R. § 1.16(a));  
\$126.00 Claims in excess of twenty (37 C.F.R. § 1.16(c));  
\$ 80.00 Independent claims in excess of three (37 C.F.R. § 1.16(b)); and  
\$390.00 Extension for response within second month (37 C.F.R. § 1.17(a)(2));
6. One (1) return postcard.

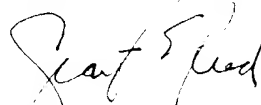
Commissioner for Patents  
March 16, 2001  
Page 2

It is respectfully requested that the attached postcard be stamped with the filing date of these documents and returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this letter is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Grant E. Reed  
Attorney for Applicants  
Registration No. 41,264

Enclosures